

ORDINANCE NO. 050113-70

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF PARKLAND TO THE STATE OF TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The council finds that:

- (A) the City owns parkland known as Greenway and Destination Parkland, Solo Star Tract, that is adjacent to Highway 183;
- (B) approximately 0.117 acre of the parkland, described on Exhibit A, is required by the State of Texas for improvements to Highway 183;
- (C) a public hearing on the proposed conveyance of the parkland to the State of Texas was held as required by Parks and Wildlife Chapter 26;
- (D) notice of the public hearing was given in accordance with Parks and Wildlife Code Chapter 26;
- (E) clearly enunciated local preferences have been considered;
- (F) there is no feasible and prudent alternative to the use or taking of the parkland for improvements to Highway 183;
- (G) the program or project includes all reasonable planning to minimize harm to the park resulting from the use or taking; and
- (H) in exchange for the parkland, the State of Texas has agreed to convey to the City an access easement, described on Exhibit B, that is located under the Highway 183 bridge at Little Walnut Creek and that connects park trails on either side of the highway.

PART 2. The council directs the city manager to execute all documents necessary to convey to the State of Texas the parkland described in Exhibit A in exchange for the access easement described in Exhibit B.

PART 3. This ordinance takes effect on January 24, 2005.

PASSED AND APPROVED

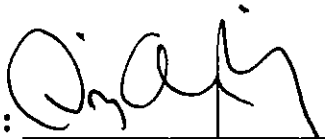
_____, January 13 _____, 2005

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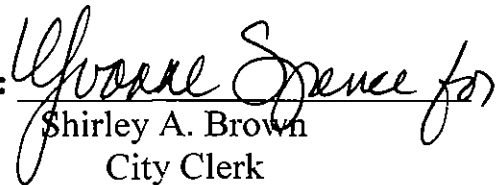
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

EXHIBIT A

County: Travis
Parcel No.: 97A
Highway: U.S. 183
Limits: From: East of US 290
To: SH 71
CSJ: 0151-09-039

PROPERTY DESCRIPTION FOR PARCEL 97A

DESCRIPTION OF A 0.117 ACRE (5080 SQ. FT.) TRACT OF LAND LOCATED IN THE J. C. TANNEHILL LEAGUE NO. 22 IN TRAVIS COUNTY, TEXAS, AND BEING PART OF A 197.59 ACRE TRACT OF LAND AS DESCRIBED IN THE DEED TO THE CITY OF AUSTIN IN DOCUMENT NUMBER 2002178092 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.TX.), SAID 0.117 ACRE (5080 SQ. FT.) TRACT, AS SHOWN ON A RIGHT-OF-WAY SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod with Texas Department of Transportation (TxDOT) aluminum cap set 193.95 feet right of Engineer's Centerline station 307+95.88, in the westerly proposed right-of-way line of U.S. Highway 183, in the common line of a called 4.598 acre tract being part of Tract VII, also known as Lot 1, Oriens Park Section Eight as recorded in Book 86, Pages 193A and 193B of the Plat Records of Travis County, Texas (P.R.T.C.TX.), and said 197.59 acre tract, marking the beginning of this Control of Access Line (Area of Denied Access to Highway Facility) and being the southwesterly corner of the tract described herein, from which a ½-inch iron rod found on said common line bears N62° 53' 12" W, a distance of 65.69 feet;

- 1) **THENCE**, N12° 33' 00"E, through the interior of said 197.59 acre tract with said proposed westerly right-of-way line, a distance of 228.67 feet to a TxDOT Type I concrete monument found 197.93 feet right of Engineer's Centerline station 305+67.24, at the intersection with said existing westerly right-of-way line of said U.S. Highway 183, being the most northerly corner of the tract described herein and marking the end of this Control of Access Line;
- 2) **THENCE**, S02° 04' 17"W, with the existing right-of-way line of said U.S. Highway 183, described in a deed to the State of Texas as recorded in Volume 2599, Page 286, Deed Records Travis County, Texas (D.R.T.C.TX.), a distance of 244.29 feet to ½-inch iron rod found for the common corner of said 4.598 acre tract and said 197.59 acre tract, and a called 0.0004 acre area included within said plat boundary of Oriens Park Section Eight, being the southeasterly corner of the tract described herein, from which a TxDOT Type I concrete monument found on said existing right-of-way line bears S02° 04' 17"W, a distance of 59.31 feet;

- 3.) **THENCE**, N62°53'12"W, with the common line of said 4.598 acre tract, said 197.59 acre tract, and a said 0.0004 acre area, passing at a distance of 9.59 feet to a ½-inch iron rod found, and continuing on said common line for a total distance of 45.90 feet to the **POINT OF BEGINNING**, and containing 0.117 acre (5080 sq. ft.) of land, more or less.

This property description is accompanied by a plat of even date.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83 (93).

Access is prohibited across the "The Control of Access Line" to the transportation facility from the adjacent property.

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

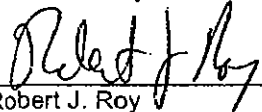
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That I, Robert J. Roy, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

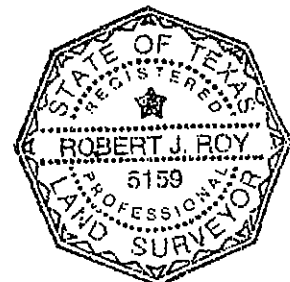
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 4th day of November 2004 A.D.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290 Building B
Austin, Texas 78735

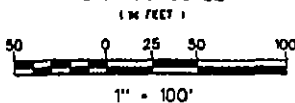

Robert J. Roy
Registered Professional Land Surveyor
No. 5159 – State of Texas

REFERENCES:
TCAD PARCEL NO. 02-1824-0101
AUSTIN GRID N-24

FIELD NOTES REVIEWED
By John H. Moore Date 11-8-2004
Engineering Support Section
Department of Public Works
and Transportation



GRAPHIC SCALE



J. C. TANNEHILL LEAGUE

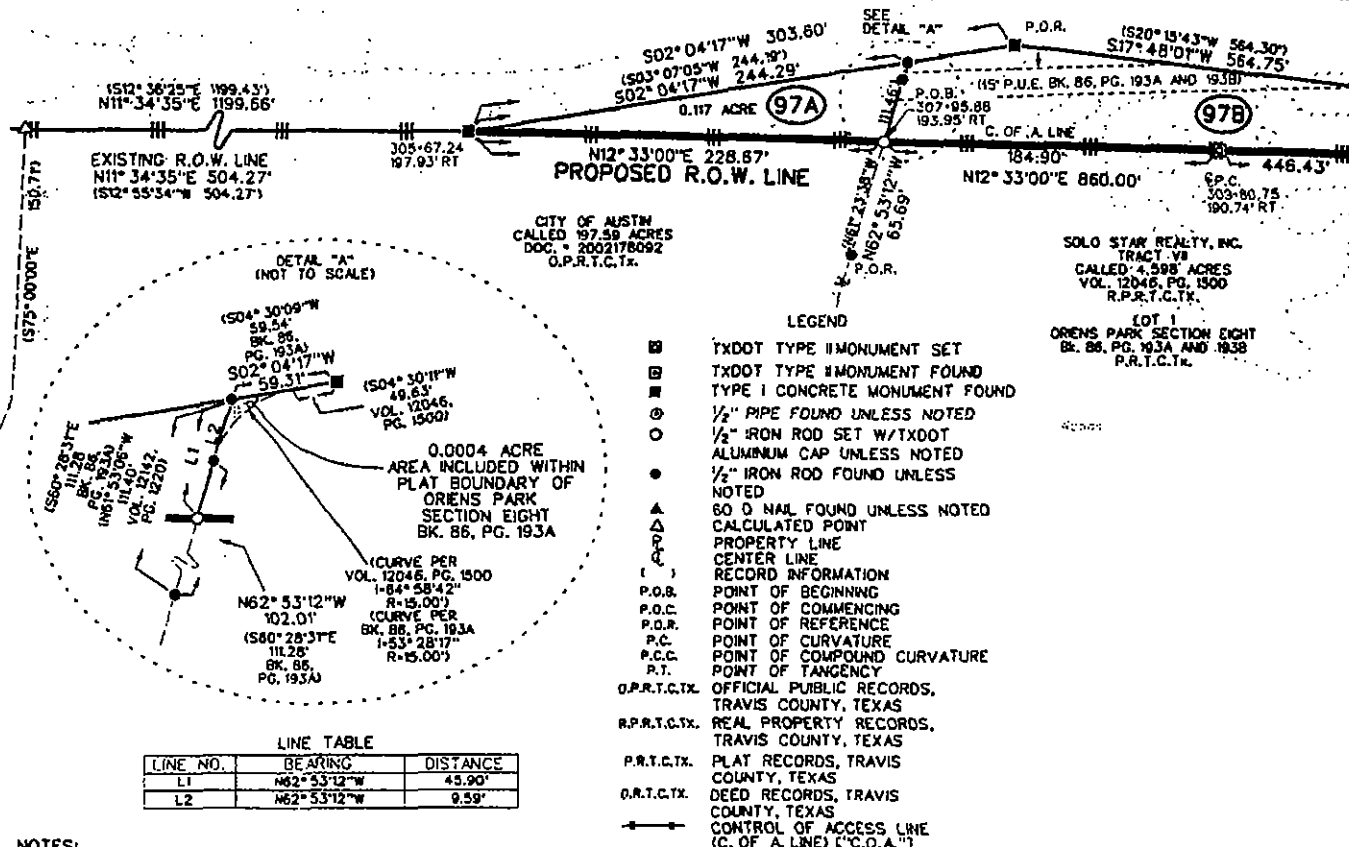
ENGINEER'S CENTERLINE

CURVE DATA
P.Sta 331+84.36
X= 3139174.52
Y= 10079921.78
Δ= 1° 31' 17.64" (RT)
D= 0° 04' 17.83"
L= 2124.52'
T= 1062.32'
R= 80000.50'
PC Sta 321+22.04
PT Sta 342+46.56



ED BLUESTEIN BLVD.
U.S. HIGHWAY 183
(VARIABLE WIDTH R.O.W.)

STATE OF TEXAS
VOL. 2599, PG. 286
O.P.R.T.C.T.X.



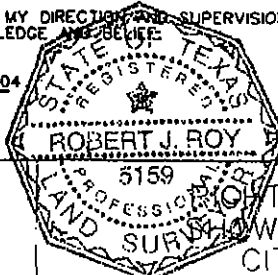
NOTES:

- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.
- ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(93) HARN. ALL DISTANCES AND COORDINATES ARE ADJUSTED TO SURFACE USING THE PROJECT SURFACE ADJUSTMENT FACTOR OF 1.00011.
- IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY DIGITAL FILES.
- THIS PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.
- ACCESS IS PROHIBITED ACROSS THE CONTROL OF ACCESS LINE TO THE TRANSPORTATION FACILITY FROM THE ADJOINING PROPERTY.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ROBERT J. ROY
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5159, STATE OF TEXAS

NOVEMBER 4, 2004
DATE



PAGE 3 OF 3
REF. FIELD NOTE NO. 3165R



5508 West Highway 290
Building B
Austin, Texas 78735
(512) 447-0575
Fax: (512) 326-3029

RIGHT-OF-WAY SKETCH
SHOWING PROPERTY OF
CITY OF AUSTIN
CSJ NO. 0151-09-039

EXHIBIT B

County: Travis
Parcel: Walnut Creek Joint Use Agreement
Highway: U.S. 183
Limits: From: East of US 290
 To: SH 71
CSJ: 0151-09-039

**PROPERTY DESCRIPTION FOR WALNUT CREEK
 JOINT USE AGREEMENT TRACT**

DESCRIPTION OF A 0.888 ACRE (38,700 SQ. FT.) TRACT OF LAND LOCATED IN THE J. C. TANNEHILL LEAGUE IN TRAVIS COUNTY, TEXAS, BEING A JOINT USE AGREEMENT TRACT OUT OF A TRACT CONVEYED TO THE STATE OF TEXAS AND RECORDED IN VOLUME 2599, PAGE 286 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.TX.), AND A 3.925 ACRE TRACT AS CONVEYED TO THE STATE OF TEXAS AND RECORDED IN DOC. NO. 2004223208 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.TX.), SAID 0.888 ACRE (38,700 SQ. FT.) TRACT, AS SHOWN ON A JOINT USE AGREEMENT SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a Texas Department of Transportation (TxDOT) Type II concrete monument found 235.46 feet left of Engineer's Centerline Station (E.C.S.) 308+32.51, being in the easterly right-of-way line of U.S. Highway 183, being an easterly corner of said 3.925 acre tract and a westerly corner of a called remainder of a 96.794 acre tract as described in a deed to Young Men's Christian Association and recorded in Volume 12018, Page 302 of the Real Property Records of Travis County, Texas (R.P.R.T.C.TX.);

THENCE N 12°55'03" E, with the east line of said 3.925 acre tract, same being the west line of said remainder of a 96.794 acre tract, a distance of 347.02 feet to a calculated point, being the southeast corner and the **POINT OF BEGINNING** of the tract described herein;

1) **THENCE** N 48°26'54" W, through the interior of said 3.925 acre tract and said State of Texas tract as recorded in Volume 2599, Page 286, D.R.T.C.TX., a distance of 498.87 feet to a calculated point, being in the westerly existing right-of-way line of U.S. Highway 183, same being the easterly line of a called 197.59 acre tract as described in a deed to the City of Austin and recorded in Doc. No. 2002178092 of the Official Public Records of Travis County, Texas (O.P.R.T.C.TX.), being in an Access Denial Line (Access is prohibited across the Access Denial Line to the transportation facility from the adjacent property), said point being the southwest corner of the tract described herein, from which a TxDOT Type I concrete monument found 197.93 feet right of E.C.S. 305+67.24 bears S 11°34'35" W, a distance of 316.16 feet;

2) **THENCE** N 11°34'35" E, with the westerly existing right-of-way line of U.S. Highway 183, being the easterly line of said 197.59 acre tract, same being with said Access Denial Line, a distance of 89.34 feet to a calculated point, being the end of this Access Denial Line, said point being the northwest corner of the tract described herein, from which a PK nail in rock found 216.99 feet right of E.C.S. 300+13.08 bears N 11°34'35" E, a distance of 794.16 feet;

3) **THENCE** S 48°26'54" E, through the interior of said State of Texas tract and said 3.925 acre tract, a distance of 501.25 feet to a calculated point, being in the easterly right-of-way line of U.S. Highway 183, said point being the northeast corner of the tract described herein, from which a ½-inch iron rod with a TxDOT aluminum cap found for a common westerly corner of said remainder of a 96.794 acre tract, and a called Lot 1, P.S.H Subdivision, and recorded in Book 84, Page 183D of the Plat Records of Travis County, Texas (P.R.T.C.TX.), being a called 3.90 acre tract as described in a deed to Walnut Creek Properties and recorded in Volume 8175, Page 254, D.R.T.C.TX., same being an easterly corner of said 3.925 acre tract, being 223.57 feet left of E.C.S. 297+49.00 bears N 12°55'03" E, a distance of 648.39 feet;

4) **THENCE** S 12°55'03" W, with the easterly right-of-way line of U.S. Highway 183, same being the westerly line of said remainder of a 96.794 acre tract, a distance of 88.17 feet to the **POINT OF BEGINNING**, and containing 0.888 acre (38,700 sq. ft.) of land, more or less.

This property description is accompanied by a plat of even date.

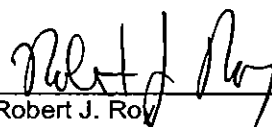
All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83(93) Harn.

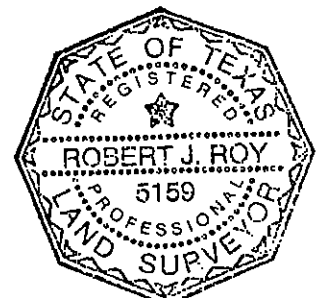
THE STATE OF TEXAS	§	
	§	KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS	§	

That I, Robert J. Roy, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 1st day of August 2005 A.D.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735


Robert J. Roy
Registered Professional Land Surveyor
No. 5159 – State of Texas



YOUNG MEN'S CHRISTIAN ASSOCIATION
CALLED 96.794 ACRES
VOL. 12018, PG. 302
R.P.R.T.C. TX.

CHANNEL EASEMENT
STATE OF TEXAS
VOL. 2599, PG. 281
D.R.T.C. TX.

P.O.C.
304+33.51
235.46 LT

LEGEND

- TYPE I CONCRETE MONUMENT FOUND
- TYPE II CONCRETE MONUMENT FOUND (UNLESS NOTED)
- TYPE II CONCRETE MONUMENT SET
- 1/2" IRON ROD SET WITH TWOT ALUMINUM CAP SET (UNLESS NOTED)
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- IRON PIPE FOUND
- CUTTON SPINDLE FOUND
- "X" IN CONCRETE
- ▲ 60 D NAIL FOUND UNLESS NOTED
- △ CALCULATED POINT
- FENCE POST
- PROPERTY LINE
- CENTER LINE
- RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- P.C. POINT OF CURVATURE
- P.R.C. POINT OF REVERSE CURVATURE
- P.T. POINT OF TANGENCY
- P.O.R. POINT OF REFERENCE
- D.R.T.C. DEED RECORDS TRAVIS COUNTY, TX.
- P.R.T.C. PLAT RECORDS TRAVIS COUNTY, TX.
- R.P.R.T.C. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- ACCESS DENIAL LINE (C.O.A. LINE)

GRAPHIC SCALE
1"=100'

50 0 50 100

TRAVIS COUNTY, TEXAS

PROPOSED R.O.W. LINE
N12°55'03"E 648.39'

92
PART I

WALNUT CREEK PROPERTIES
CALLED 3.90 ACRES
VOL. 8475, PG. 254
D.R.T.C. TX.

LOT 1
P.S.H. SUBDIVISION
BK. 84, PG. 183D
P.R.T.C. TX.

STATE OF TEXAS
VOL. 2599, PG. 286
D.R.T.C. TX.

300+00
S13°32'48"W 1963.89'

SOLO STAR REALTY, INC.
TRACT VII
CALLED 4.598 ACRES
VOL. 12046, PG. 1500

REMAINDER OF A-CALLED 146.494 ACRES
VOL. 12142, PG. 1216
R.P.R.T.C. TX.

P.O.R.
300+13.68
216.99 RT
P.K. NAIL SET
IN ROCK

CHANNEL EASEMENT
STATE OF TEXAS
VOL. 2634, PG. 331
D.R.T.C. TX.

WALNUT CREEK
JOINT USE AGREEMENT
TRACT
0.888 AC.

ED BLUESTEIN BEVD.
U.S. HIGHWAY 183
(VARIABLE WIDTH R.O.W.)

STATE OF TEXAS
VOL. 2599, PG. 286
D.R.T.C. TX.

P.O.C.
305+67.24
197.93 RT

CITY OF AUSTIN
CALLED 197.59 ACRES
DOC. # 2002178092
O.P.R.T.C. TX.

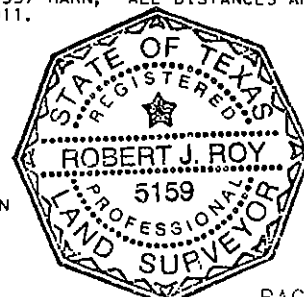
J. C. TANNENTH. LEAGUE

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ROBERT J. ROY
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5159, STATE OF TEXAS

8/1/2005
DATE



PAGE 3 OF 3
REF. FIG D NOTE NO. 3806



5508 West Highway 290,
Building B
Austin, Texas 78735
(512) 447-0575
Fax: (512) 326-3029

JOINT USE AGREEMENT SKETCH
SHOWING PROPERTY OF
STATE OF TEXAS
0.888 AC. (38,700 SQ. FT.)